IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Bail Appl..No. 7307 of 2006()

C.R.NO.48/03 OF NEDUMANGAD EXCISE RANGE.

PETITIONERS/ACCUSED

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1. JAYAN, S/O.MANIYAN,
   THONDANKULAM, THADATHARIKATHU VEEDU,
   KOKKETTELA.

2. MADHU, S/O.BHASKARAN NADAR,
   THADATHARIKATHU PUTHEN VEEDU,
   VALLIMANGALAM, KOKKETTALA P.O.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS: COMPLAINANT

EXCISE INSPECTOR,
NEDUMANGAD EXCISE RANGE,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI A.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7307 OF 2006

DATED THIS THE 8TH DAY OF DECEMBER, 2006

O R D E R

Petitioners who are accused 1 and 2 in C.R.No.48/03 of Nedumangad Excise Range for offences punishable under sections 8 (1) and 8(2) of the Abkari Act for allegedly having been found in possession of 500 ml of arrack and utensils used for distillation on 3.7.2003, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the first petitioner is an accused in another case involving similar offence.

3. I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail to the petitioners. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this observation, this application is dismissed.

V.RAMKUMAR, JUDGE

dsn